

March 28, 2008

Marlene H. Dortch, Esq., Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Broadcast Localism Proceeding
MB Docket No. 04-233

Dear Ms. Dortch:

Station STATIONS WKUB and WWUF have been operating in our WAYCROSS AND BLACKSHEAR communities for more than 28 years. In that time, the Station has devoted countless resources to serving our local community. Our Station participates in our community, and understands the needs of our community, not because of government mandates but because the Station cares about our community and serving the public interest. I write today to object to the burdensome and unnecessary proposals contained in the Commission's Broadcast Localism proceeding. Each of the proposals in the proceeding are addressed separately below.

Communications Between Licensees and Their Communities

More than 25 years ago, the FCC abandoned its misguided "ascertainment" requirements, when it correctly concluded that market forces, rather than government mandates, may be relied upon to ensure that broadcasters air programming that is responsive to the needs and interests of their communities. Nothing has changed in those 25 years that should make the FCC reach a different conclusion now. If anything, broadcasters today face far more competition, from satellite radio and TV, cable, the Internet, and iPods, to such an extent that market forces virtually ensure that broadcasters air responsive programming. We know full well how important it is to address the needs and interests of the people in our communities. If we don't address those needs and interests, we know that market forces will drive listeners and viewers elsewhere. Government mandates will not change that equation, except to make it far more difficult and expensive to be a good broadcaster.

Accordingly, this Station opposes any reinstatement of the formal ascertainment process or the mandatory creation of advisory boards. The quarterly issues/programs list requirement, coupled with Commission review as necessary and public input at renewal time, has worked adequately over the past 25 years. The potential benefits, if any, of these unfunded mandatory proposals are severely outweighed by the costs involved. Instead, broadcasters should be given the flexibility, in their important role as stewards of the broadcast airwaves, to communicate with their communities in a manner that best suits the station and the community.

Remote Station Operation

For many years, broadcasters have been afforded the flexibility to operate without station personnel present at or near transmission facilities. This has been particularly important in emergency situations, where broadcaster resources may need to be devoted elsewhere. This Station opposes any efforts to remove the flexibility that the Commission has wisely provided to broadcasters. Many broadcasters simply cannot afford to staff their facility during all hours of operation and may be forced to shut down, which would be an extreme disservice to the public. Other broadcasters have invested thousands of dollars in technology to be sure we are immediately notified of any on-air problems. We don't believe the Commission should nullify those investments and require us to make even more expenditures for unneeded personnel.

Main Studio Rule

Similarly, this Station opposes any restrictions to the main studio rule. For many years, stations have been given the choice as to where to locate their main studio in the communities they serve. Due to variations in topography, and in order to address the needs of the various communities they serve, broadcasters have been able to rely on the flexible approach the FCC has adopted. No changes to this flexible approach are necessary or warranted.

Voice-Tracking and National Playlists

This Station opposes any Commission regulation that would restrict the practice of voice-tracking. Voice-tracking can be a useful tool for smaller broadcasters to bring popular non-local talent to the local airwaves, as a benefit to their communities. Any restriction on this ability would be a disservice to the public, and any disclosure requirements potentially would infringe the First Amendment rights of broadcasters. Similarly, station playlists are a matter of licensees' discretion, and are tailored to serve the tastes of the communities they serve. The Commission is prohibited by statute from regulating the content of broadcast material, and should not encroach on the editorial freedoms broadcasters enjoy under the First Amendment.

License Renewal Procedures

Finally, the Commission has proposed the adoption of quotas for local programming. Such a proposal raises serious First Amendment concerns for broadcasters. Therefore, this Station opposes any government mandates in the form of quotas or specific minimum hours of local programming. Broadcasters who work and live in their local communities, and who inherently know the needs and interests their communities, are in the best position to determine how best to provide responsive programming, including local programming, and to allocate their resources accordingly. Broadcasters need the flexibility that is built into the current system. It is this flexibility that allows us to provide programming that best serves the public interest.

Respectfully,

G. TROY MATTOX,
PRESIDENT